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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,115	08/01/2000	Gregory I. Bohach	12136.IUSWO	4351

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EXAMINER

NAVARRO, ALBERT MARK

ART UNIT	PAPER NUMBER
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1645

DATE MAILED: 10/01/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

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**Please find below a communication from the EXAMINER in charge of this application**

Commissioner of Patents


The reply filed on September 11, 2002 is not fully responsive to the  
prior Office action because of the following omission(s) or matter(s):

Applicant's have only elected the generic protein, however the restriction  
mailed December 19, 2001 also required restriction to type A, B, C, D, E, G,  
or H, Staphylococcal enterotoxin... etc. No election as to the unique  
structure of the protein has been made. See 37 CFR 1.111.

As set forth in MPEP 803.04 biological molecules with separate sequences  
are structurally distinct chemical compounds and are unrelated to one another.  
These sequences are thus deemed to normally constitute independent and  
distinct inventions within the meaning of 35 USC 121. Absent evidence to the  
contrary, each such protein sequence is presumed to represent an independent  
and distinct invention, subject to a restriction requirement pursuant to 35  
USC 121 and 37 CFR 1.141. In view of the complex nature of the claimed  
polypeptide molecules, Applicant's are required to elect a single independent  
and distinct protein for prosecution as set forth in MPEP 803.04.

Since the above-mentioned reply appears to be *bona fide*, applicant is  
given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date  
of this notice, whichever is longer, within which to supply the omission or

correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY  
BE GRANTED UNDER 37 CFR 1.136(a).



Mark Navarro

Primary Examiner

September 30, 2002